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C O N F I D E N T I A L SECTION 01 OF 04 PRISTINA 000113

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DEPT FOR EUR/SCE, DRL, INL, AND S/WCI, NSC FOR BRAUN, USUN
FOR DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER, OPDAT FOR
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TAGS: [PGOV](#) [KJUS](#) [KCRM](#) [EAID](#) [KDEM](#) [UNMIK](#) [YI](#)

SUBJECT: KOSOVO: FOLLOW-ON RULE OF LAW MISSION TAKING SHAPE

REF: PRISTINA 93

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (C) SUMMARY: The EU Planning Team (EUP) continues to develop plans for the ESDP follow-on rule of law mission in Kosovo. Team leader Casper Klynge told us recently he is confident that the transition will be relatively smooth on the policing side and that the mission will be at authorized strength on transition day -- subject, however, to U.S. participation. To respond to EU capitals' concerns, Klynge has proposed a further 250-police enhancement force with executive as opposed to mentoring authority, and notes that Brussels may want an even larger, 500-member enhancement force (reftel). Klynge (protect) is more concerned about the justice side, fearing that the follow-on mission may not get the desired number of judges and prosecutors by transition day or ever reach authorized strength. END SUMMARY.

General Structure of ESDP Mission

12. (C) EU Planning Team (EUP) Head Casper Klynge and political adviser Alessio Zuccarini recently shared the latest plan for the EU follow-on rule of law (ROL) mission with USOP. They envision a mission of 1,399 internationals, although this number could be revised upward due to EU capitals' concerns that the post-transition security environment may still be sensitive enough to require a more robust presence.

13. (C) Under the current plan, the head of the ESDP mission will be the Deputy EU Special Representative (EUSR), and Heads of the Police, Justice and Administration Components will report to him or her. The Deputy EUSR will also have a staff of 68, including political, legal, security, program, reporting, and press and public information offices, as well as an internal investigations unit, an internal auditor/financial control office, and human rights and gender unit.

ESDP Police Component -- Mentoring vs. Executive

¶4. (C) Klynge and Zuccarini are confident that the police component will be at its authorized strength on transition day, subject, however, to U.S. participation. (Note: EUPT's planning assumes an American contingent of 222, which is based on current American participation in UNMIK's civilian police force. However, U.S. participation in the police mission remains under discussion, and the budget request originally contemplated for a follow-on U.S. police contingent envisioned only 100 personnel, mostly police, but also judges and prosecutors who would be deployed under the existing CPI mechanism. End Note) Potential challenges foreseen by EUPT planners include finding ways to avoid loss of manpower due to different leave policies of national contingents, adapting to the proposed new organizational structure of the Kosovo Police Service (KPS), providing witness security (as opposed to a witness protection program), and possible changes in the security situation in the north. Klynge noted that the ESDP police component will make up the bulk of the ROL mission with 1,065 under the current plan, but that these numbers are very much in flux. He (protect) said that his team is proposing a 250-person enhancement force with executive powers to respond to EU capitals' concerns about the need for a more robust presence; Brussels may, however, require that this be an even larger force of 500 (reftel).

¶5. (C) The current plan also calls for a small financial intelligence unit composed of international police officers (IPOs) to report directly to the Deputy EUSR. All other IPOs would fall under the Head of the ESDP Police Component, who would have two deputies, the Deputy Head of ESDP Police Component Program Department and the Deputy Head of the ESDP Operations Department. Under the Program Department, there

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would be a Monitoring, Mentoring and Advising (MMA) section with 267 IPOs and a Border Police section with about 115 IPOs. Under the Operations Department, there would be an International Executive Police section with about 100 IPOs and a Special Police Units section with about 525 IPOs. Roughly 30 percent of all IPOs would have full executive authority.

Mentoring Police Breakdown

¶6. (C) The MMA section would have the following structure and numbers:

- Public order/general policing (160)
- Organized crime (15)
- Criminal intelligence (16)
- Criminal investigations (62)
- Inter-ethnic crimes (14)

¶7. (C) The 115-police Border Police section would have the following structure and numbers:

- Pristina Airport (17)
 - Administrative Boundary Line Gate One near Zubin Potok (16)
 - Administrative Boundary Line Gate 31 near Leposavic (16)
 - Border Police Main Headquarters in Pristina (10)
 - Border Police North Headquarters in Lushane (14)
 - Border Police East Headquarters in Kacanik (20)
 - Border Police West Headquarters in Gjakova (20).
- (Note: IPOs at the Pristina Airport and Gates One and 31 would have full executive powers. End Note.)

Executive Police Breakdown

¶8. (C) The International Executive Police section would have the following structure and numbers:

- Organized crime (26)
- Criminal intelligence (30)

- Financial investigations (8)
- International police cooperation (5)
- War crimes investigations (35)

¶9. (C) Special police units would have the following structures and numbers:

- Liaison/intelligence/logistics and communications (30)
- Crowd and riot control (205)
- Witness protection (95)
- Security and intervention (157)
- Logistical support (40).

(Note: All of the International Executive Police and Special Police Units would have full executive powers. End Note.)

ESDP Justice Component

¶10. (C) EUPT planners believe that recruiting a sufficient number of judges and prosecutors for the mission will be one of their biggest challenges. Klynge and Zuccarini confided that they do not believe they will reach the authorized strength on the judicial side by transition day and fear they may never be able to reach it. The salaries they can offer are no higher than most European judges and prosecutors would receive at home and the personal safety risks are considerably higher. Adding to the hardships of life in Kosovo, they do not think many will find the opportunity attractive. Other potential challenges they see are providing security to judges and prosecutors serving outside of Pristina and ensuring the continuity of ongoing cases. Since it is not possible to halt judicial procedures pending the transfer, they are considering three options: 1) that UNMIK not start lengthy cases prior to the transition; 2) that UNMIK judges and prosecutors be pre-selected and transition to the ESDP mission; and 3) that ESDP-recruited

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judges be deployed to UNMIK prior to the transition.

¶11. (C) The head of the ESDP Justice Component will oversee a staff of about 190, to include:

- Ministry of Justice Unit (13)
- Kosovo Judicial Council Unit (2)
- Assembly of EU Judges (44 judges and 24 legal assistants or officers)
- EU Prosecutors' Office (18 prosecutors and 11 legal officers)
- Correctional Unit Headquarters (78).

(Note: The Ministry of Justice Unit will oversee missing persons, forensics and international legal cooperation, as well as assess legislation and implementation of laws, and the Kosovo Judicial Council (KJC) Unit will mentor and advise the KJC staff. End Note.)

¶12. (C) On the judicial and prosecutorial side, the EU follow-on mission will be more robust than the UNMIK mission.

UNMIK Department of Justice (DOJ) has an authorized strength of 14 international judges and 11 international prosecutors, but only has 13 international judges and 9 international prosecutors in place. EU judges and prosecutors will have an executive mandate to cover cases relating to war crimes, organized crime, corruption, terrorism, trafficking, inter-ethnic violence and conflict-related property cases. For other cases, the EU envisions joint panels involving EU and local judges (two to one ratio) and mixed prosecution teams (a one to one ratio), with an overall eye toward increasing local ownership. The Assembly of EU Judges would have a president with one legal assistant, three judges and three legal assistants at the Supreme Court, 13 judges and six legal assistants at a Special Chamber for the Kosovo Trust Agency and Kosovo Property Agency, six judges and three legal officers at the Pristina District Court, five judges and the three legal advisors at the Prizren District Court, five judges and three legal officers at the Peja District

Court, six judges and three legal officers at the Mitrovica District Court, and five judges and three legal advisors at the Gjilane District Court. The EU Prosecutors' Office would have a president with a prosecutor and legal officer on his staff, four prosecutors and two legal officers in the Pristina District Office, and three prosecutors and two legal officers each in the District Offices in Prizren, Peja, Mitrovica and Gjilane.

¶13. (C) The Justice Component's Correctional Unit would have 32 international officers at the Dubrava Prison and 37 international officers assigned to an escorts and special security group. Five of the officers would comprise a compliance unit at the Customs Headquarters and three would be assigned to each of the mobile teams in the Mitrovica, Peja and Prizren regions.

Administrative Component

¶14. (C) The ESDP Administrative Component will likely be composed of general services, support services, and administrative legal offices, as well as regional administrative offices in Pristina, Mitrovica, Prizren, Peja, Gjilane and Ferizaj. An estimated 180 administrative staff will be responsible for a large array of services, including personnel, supplies, transportation, medical, training and building management.

Comment

¶15. (C) The planning for the EU follow-on rule of law mission has reached an advanced stage, but the numbers continue to shift due to EU capitals' concerns that the post-transition security situation may result in the need for a significantly larger police presence. While everyone is focusing on having adequate police numbers, the ability to attract sufficient judges and prosecutors for the mission may turn out to be the

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biggest challenge of all. We will continue to closely monitor planning for the follow-on mission. END COMMENT.

¶16. (SBU) U.S. Office Pristina does not clear this cable for release to U.N. Special Envoy Martti Ahtisaari.
KAIDANOW